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October 5, 2009

Honorable Katherine S. Hayden, U.S.D.J.
Martin Luther King, Jr. Federal Building
& U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

RE: Beach Creek Marina, Inc. v. Royal Tax Lien Services, LLC, et al.
Civil Action No. 09-2649 (KSH)

Dear Judge Hayden:

I represent the Plaintiff in the above matter. At the very outset of this matter the Court gave both Defendants permission to file motions to dismiss in lieu of Answers. Both Defendants filed those motions. Both motions were made based on the record that existed at the time of the filing of the Complaint as no discovery was allowed to take place given the filing of the motions.

On September 29, 2009, Plaintiff submitted an extremely short sur-reply brief in connection with the motions. We respectfully request that it be considered by the Court. Given the status of an incomplete record, and the fact that both of the Defendants' motions rely upon facts that are not contained in the Complaint, we respectfully submit that the sur-reply is critical to the Court's overall disposition of the motions. The reality for the Defendants is that they had the ability through their motions to create a record that benefits them. The sur-reply of the Plaintiff simply balances this fact and give the Court a fuller record upon which to decide the motions. This is fair not only to the Court but to the parties as well. As such, we respectfully submit that the sur-reply be given consideration by the Court.

Request Denied.
KSH Hayden

Respectfully Submitted,

R. Nagle
Ronald T. Nagle

RTN/gm

Cc: Maeve Cannon, Esq.
Robyn London-Zietz, Esq.
Mr. Paul Cocozziello

10/8/09